

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$12,980.00 in UNITED STATES CURRENCY

Defendant.

THIS MATTER has come before the undersigned pursuant to a Notice of Dismissal of Claim of Interest of Liza Wilmot (#10) filed in this matter on March 22, 2014. In the notice, claimant's counsel gives notice of her dismissal of her claim of interest.

(a) Voluntary Dismissal.
(1) By the Plaintiff.

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

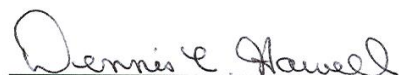
(ii) a stipulation of dismissal signed by all parties who have appeared.

It appears to the undersigned that the claimant had filed an Answer to the Complaint and as a result of Rule 41(a)(1)(ii), the correct procedure would have been for the claimant to file a stipulation of dismissal signed by all parties who have appeared. The Notice of Dismissal does not show that the document was signed by Plaintiff in this matter. As a result, the undersigned will schedule a hearing in regard to this matter for the purpose of hearing arguments from counsel for the Plaintiff and the claimant as to the effect, if any, of the Notice of Dismissal of Claim of Interest of Liza Wilmot (#10) and whether or not if such attempt to dismiss the claimant's claim was with or without prejudice.

ORDERED

IT IS, THEREFORE, ORDERED that a hearing shall be set for **April 16, 2014 at 9:30 a.m.** in courtroom #2 of the United States Courthouse in Asheville, North Carolina for the purpose of hearing arguments from counsel for the Plaintiff and the claimant as to the effect, if any, of the Notice of Dismissal of Claim of Interest of Liza Wilmot (#10) and whether or not if such attempt to dismiss the claimant's claim was with or without prejudice.

Signed: March 31, 2014



Dennis L. Howell
United States Magistrate Judge

